

**FREMONT PLANNING BOARD  
November 9, 2005  
Meeting Minutes**

Present: Co-Chairman Peter Gibb, Mark Pitkin, Leon Holmes, Jr., Larry Stilwell, Conservation Commission rep/Alternate Jack Karcz, RPC Rep. David West and recording Secretary Meredith Bolduc.

Mr. Gibb called the meeting to order at 7:30 p.m.

Mr. Holmes made the motion that Mr. Karcz be allowed voting rights on any matter to come before tonight's Planning Board meeting.

Motion seconded by Mr. Stilwell with unanimous favorable vote.

**BLACK ROCKS VILLAGE**  
Map 3 Lot 015-1

Informational

Present: Owner David Himmer, Attorney John Ratigan and abutter Chester Bearce.

At 7:30 Mr. Himmer and Attorney Ratigan met with the Board to discuss the impact fee issue relative to Black Rocks Village. Attorney Ratigan related that in the "Draft Declaration and Bylaws" for Black Rocks Village approved by Town Council John Ryan, it states that this is a senior housing community. He added that under Zoning Ordinance Article XIV Section 6A it talks about the Planning Boards power to waive school impact fees assessments on age-restricted units where it finds that the property has deed restrictions on the occupancy, and it is his opinion that Black Rocks Village falls under the second portion of the ordinance. Attorney Ratigan stated that under the Draft Declaration and Bylaws an owner can be under 55, but cannot reside there as all inhabitants must be over 55 years of age. Mr. Himmer stated that the ordinance he was approved under says that all persons must be 55 years or older.

Mr. Ratigan stated that they are asking for a waiver to impact fees and that the Board has this authority. The procedure relative to whether the waiver must be done as an amendment to the approved plan was discussed. It was also noted that at the April 14, 2004 meeting impact fees were discussed, but no decisions were made. It was agreed that this is an elderly community and there will be no impact to the school as a result of the project. Mr. Gibb polled each member of the Board and it was the unanimous consensus of the Board that it is appropriate to waive the school impact fees for this project.

Mr. Holmes made the motion that the Planning Board waive the school impact fees for the Black Rocks Village elderly housing community project.

Motion seconded by Mr. Pitkin with unanimous favorable vote.

Mr. Gibb also related that the Board received a November 2, 2005 correspondence from Jason Lopez of Civil Construction Management advising that sometime during the week of November 11, 2005 he will be meeting with Bill Rollins, Town Engineer, relative to the current application. Mr. Himmer stated that he will

11-09-05 PB Minutes

contact the Planning office with the results of that meeting and whether he intends to move ahead with his application for an amendment to his approved plan.

MARK WOODMAN  
Map 3 Lot 062

Preliminary Consultation

Present: Owners Mark & Cheryl Woodman

Mr. & Mrs. Woodman met with the Board relative to a possible subdivision of their property at the above referenced location. Mr. Woodman stated that they have 32 acres of property on Beede Road. He stated that he has contacted a surveyor relative to his idea to subdivide off about four lots in the back and construct a road with a cul-de-sac on the right side of his existing lot for those new lots. He stated that the property is in the Aquifer Protection District. It was noted that a large portion of the property in the back is prime wetland and there is a small area in the flood zone. Mr. Gibb noted that for the intended use, the wetlands would probably be more of an issue than the Aquifer. He explained that property that lies in the Aquifer Protection District requires 3 acres, one of which must be contiguously dry and if there is wetland involved a buffer of 100' needs to be maintained from the wetland/watershed protection area. As for road length, Mr. Gibb stated that roads must be 600', 800' inclusive of a cul-de-sac and Mr. Holmes added that they can be up to 1500' long if there is a future connection. He suggested that the Woodman's may wish to purchase a copy of the Subdivision Regulations.

Mr. Gibb explained the subdivision procedure and advised Mr. & Mrs. Woodman that Dave West at RPC and/or Meredith Bolduc in the Planning office are available for guidance.

On another note, Mr. Woodman stated that he has an existing attached 2 story garage that he is thinking of converting to a separate living unit and asked what his process would be. Mr. Gibb advised that it is not a Planning Board issue and they should see the Building Inspector.

DAKOTA REALTY TRUST  
Map 1 Lot 035

It was noted that at the October 19, 2005 Planning Board meeting the Board reviewed a request for final bond release for Treaty Court Subdivision Phase II and took no action to what they considered to be a premature request.

The Board received and discussed a November 3, 2005 correspondence from Fran McCarty, Kasher Corporation – Dakota Realty Trust requesting a waiver from Subdivision Regulation Article 4 Section 1 B & C "Release of Performance Guarantee". The request is also for the Board to consider reducing the percentage of hold back from 10% to 5% of the total bond. Mr. Stilwell noted that according to the Subdivision Regulation the town must hold "no less than 10% and no more than 20% of the improvement costs". Also, any waiver is to be requested and acted upon at the time of the approval or amendment hearing.

11-09-05 PB Minutes

It was the consensus of the Board that a bond reduction to 5% of the total bond is not possible and any waiver to an already approved subdivision would require an amendment to the plan. There was no correspondence of recommendation from the Town Engineer.

#### COOPERAGE FOREST/COOPERS CORNER

Map 3 Lots 037 & 054-1

The Board received and reviewed a November 1, 2005 bond reduction estimate from Bill Rollins of Vollmer Associates, Town Engineer, for the above reference project. Mr. Rollins recommended a reduction of \$371,155.00 so the original bond of \$944,848.00 would be reduced to \$583,244.00.

After some discussion Mr. Pitkin made the motion to recommend to the Selectmen the reduction of \$371,155.00 for the Cooperage Forest/Coopers Corner project.

Motion seconded by Mr. Holmes with unanimous favorable vote.

The Board also received a copy of a November 1, 2005 correspondence from Mr. Rollins to Mr. Wilder relative to the construction issues for the bridge at the site.

#### GOVERNOR'S FOREST

Map 3 Lot 002

Mr. Gibb reported that on October 27, 2005 he met with the Selectmen to discuss the outstanding water run-off problem at the Governor's Forest site and that a meeting with the Selectmen and Mr. Ferwerda is scheduled for November 10, 2005.

#### C-TAP

David West reported that Kevin Herrmann has agreed to be Fremont's representative to C-TAP ( Community Technical Assistance Program) and Mr. Karcz has agreed to be the alternate. A letter will be sent to the Selectmen requesting their approval.

#### MINUTES

Mr. Holmes made the motion to approve the minutes of the October 26, 2005 meeting as written.

Motion seconded by Mr. Stilwell with unanimous favorable vote except for Mr. Pitkin who abstained as he was not present at that meeting except.

#### INLAW APARTMENTS

An updated draft will be further discussed next week.

#### BUDGET

The 2005 general ledger expenditure report was discussed and it was noted that the clerical line item 91-001

11-09-05 PB Minutes

and the mileage line item 91-010 were depleted. Mrs. Bolduc stated that she had discussed this with Heidi in the Selectmens office who advised that a line item transfer needed to be done by the Selectmen. It was noted that there is an unencumbered balance in the professional service line item 91-004 that it appears will not be utilized this year so that was the best place to transfer funds from. The professional services line was discussed and it was noted that this money has not been expended because the Board did not need added professional services this year.

Mr. Holmes questioned how it happened that the money appropriated for clerical was used and if the funds appropriated included attending meetings. Mrs. Bolduc answered that that there were 17 hours per week budgeted for clerical, but the hours worked have increased to 27 to 30 hours per week due to the increase in the amount of time for office hours and duties as well general office work necessary because of increased activity and related responsibilities generated. Meetings are included. She further explained that she uses the mileage line for recording reimbursement for trips to the Registry of Deeds and that the applicant covers this in the administrative fee he is charged.

With no more discussion the members agreed to request that the Selectmen approve a line item transfer of \$2400.00 from 91-004 PB Professional Services to 91-001 PB, Clerical, and \$50.00 to 91-010, Mileage, be approved to cover anticipated clerical and mileage expenses through the end of the year. This will leave an unencumbered balance of \$50.00 in line item 91-004.

#### CORRESPONDENCE

The Board reviewed all correspondences including:

1. Copies of the minutes from the Selectmen's October 25 & 26, 2005 meetings.

Mr. Holmes made the motion to adjourn at 9:15 P.M.

Motion seconded by Mr. Pitkin with unanimous favorable vote.

Respectfully submitted,  
Meredith Bolduc, Secretary